

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERT FORD,

No. 1:12-cv-12079-WGY

Plaintiff,

v.

BRUCE GELB, Superintendent of the Souza
Baranowski Correctional Center;
OSVALDO VIDAL, Deputy Superintendent;
MICHAEL RODRIGUES, Deputy Superintendent,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO DEPOSE THE
INCARCERATED PLAINTIFF PURSUANT TO FED. R. CIV. P. 30(a)(2)(B)**

Pursuant to Fed. R. Civ. P. 30(a)(2), defendants respectfully move this Court for leave to depose plaintiff Albert Ford, a person who is currently confined in prison. As grounds thereof, defendants state the following:

1. Pursuant to Fed. R. Civ. P. 30(a)(2)(B), defendants must seek leave of court “if the deponent is confined in prison,” and this Court “must grant leave to the extent consistent with Rule 26(b)(2).”
2. The instant action was brought by plaintiff while he was confined in the custody of the Massachusetts Department of Correction (“Department”), and concerns incidents which plaintiff alleges occurred while he was so confined. Plaintiff remains confined in the Department’s custody and is presently incarcerated at the Souza Baranowski Correctional Center (“SBCC”), a maximum-security prison in Shirley, Massachusetts.
3. Such discovery is required in order to ascertain the precise nature of plaintiff’s allegations, the factual allegations surrounding such, and to prepare for trial in this matter.

Accordingly, defendants respectfully seek leave to take plaintiff's deposition at SBCC or any other correctional institution where he may be incarcerated.

WHEREFORE, defendants respectfully request that this motion be granted.

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

Dated: March 18, 2013

/s/ William D. Saltzman
William D. Saltzman
BBO No. 439749
Department of Correction
70 Franklin Street, Suite 600
Boston, Massachusetts 02110-1300
(617) 727-3300, Ext. 154
wdsaltzman@doc.state.ma.us

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I, William D. Saltzman, counsel for the defendants, hereby certify that I have conferred with counsel for the plaintiff, pursuant to Local Rule 7.1(A)(2).

/s/ William D. Saltzman
William D. Saltzman

CERTIFICATE OF SERVICE

I, William D. Saltzman, counsel for defendants, hereby certify that I did serve the aforementioned document upon counsel for plaintiff through the Court's electronic filing system (ECF).

Dated: March 18, 2013

/s/ William D. Saltzman
William D. Saltzman